

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BRITT EDWARDS,)	
)	
Plaintiff,)	
)	
v.)	No. 1:23-cv-00229-MPB-MG
)	
NEW WORLD COLLECTIONS, INC.,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff filed this matter on February 6, 2023. (Docket No. 1). On July 6, 2023, the Magistrate Judge ordered Plaintiff to show cause by July 27, 2023, why this case should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 4(m). (Docket No. 7). As the Magistrate Judge explained, more than ninety days had passed since the Complaint was filed and Plaintiff had not filed a proof of service on the Defendant in this action. (*Id.*). The Magistrate Judge warned that if good cause was not shown, he would recommend dismissal of the action without prejudice. (*Id.*) Plaintiff did not file a response to the show cause order. So, on August 2, 2023, the Magistrate Judge recommended that this case be dismissed for failure to prosecute. (Docket No. 8). The fourteen day period to object to that report and recommendation has also passed without filing. Fed. R. Civ. P. 72(b)(2).

Federal Rule of Civil Procedure 4(m) provides that "[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Here, ninety days has passed and notice has been given to the

Plaintiff by the Magistrate Judge's Order to Show Cause. Plaintiff has failed to serve defendant or show good cause otherwise.

Thus, this court now **ADOPTS** the Magistrate Judge's Report and Recommendation (Docket No. 8). This case is **DISMISSED without prejudice** pursuant to Rule 4(m).

SO ORDERED.

Date: 8/21/2023

A handwritten signature in black ink, reading "Matthew P. Brookman", written over a horizontal line.

Matthew P. Brookman, Judge
United States District Court
Southern District of Indiana

Electronically distributed to all CM ECF counsel of record.